

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

HASSIE-DEMOND; NOWLIN,

Plaintiff,

v.

NEW MILLENNIUM,

Defendant.

Civil Action No. 1:10-CV-857

MOTION TO SET ASIDE ENTRY OF DEFAULT

Pursuant to Rule 55(c), Federal Rules of Civil Procedure, and Local Rule 7.3, Defendant New Millennium Bank (“the Bank”) moves to set aside the entry of default against it in this matter on March 21, 2011. As shown by the accompanying Brief in Support of Motion to Set Aside Entry of Default and Affidavit of Daniel Symonds, good cause exists to set aside the entry of default for the following reasons:

1. The Bank has multiple meritorious defenses to Mr. Nowlin’s claims, including legal, factual, and procedural defenses. In fact, as detailed in the Bank’s Brief, Mr. Nowlin’s claims are fatally flawed and should be dismissed.
2. The Bank brought this Motion in a reasonably prompt manner.
3. To the extent that the Bank was properly served (it appears service was deficient), the Bank’s failure to respond was the result of an excusable mistake.
4. Mr. Nowlin will suffer no prejudice if the Motion is granted.

Accordingly, the Bank respectfully requests that the Court grant its Motion and enter an order that sets aside the entry of default. Upon the entry of such an order, the Bank will promptly file an Answer to the Complaint.

This the 20th day of April, 2011.

/s/ Matthew W. Sawchak
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Bank*

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system. A copy of the same also has been placed with United States Postal Service via first class mail, postage prepaid, addressed to the following:

Hassie-Demand Nowlin, Plaintiff
c/o 2020 Anthony Court
Greensboro, North Carolina 27406

This the 20th day of April, 2011.

/s/ Matthew W. Sawchak
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